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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/858,099	05/15/2001	Anthony Mazzurco	135815	4803
24587	7590	04/27/2005	EXAMINER	
ALCATEL USA INTELLECTUAL PROPERTY DEPARTMENT 3400 W. PLANO PARKWAY, MS LEGL2 PLANO, TX 75075			MOORE, IAN N	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/858,099

Applicant(s)

MAZZURCO ET AL.

Examiner

Ian N Moore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This is in response to amendment filed on 1-18-2005.
2. Claims 1-18 are rejected by the same ground of rejections.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 13, 14, 16 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nathan'212.

Regarding claim 13, Nathan'212 discloses a network element (see FIG. 8, Node A) comprising:

interface circuitry (see FIG. 8, Interface circuit of node A), for coupling to two or more incoming working spans (see FIG. 8, two incoming working span/lines/channels 814 W and 864 W) and two or more respective incoming protection spans (see FIG. 8, two incoming standby span/lines/channels 816 S and 866 S), each of said working spans operable to carry communications traffic over a plurality of channels associated with one or more rings (see FIG. 8, working span 814 carries working traffic for optical ring/network 802, and working span 864 carries working traffic for optical ring/network 804); and

switching circuitry (see FIG. 8, Switching circuit of node A) for concurrently coupling channels from different incoming protection spans (see FIG. 8, protection spans/channels 816 S and 866 S; see col. 7, lines 25 to col. 8, lines 19) to a shared protection span (see FIG. 8, Spare channel/span 860 S; note that a signal spare channel/span 860 S connects the plurality channels/wavelengths/signals from line termination equipments LTs (i.e. 806,808,846,848, 856, 854, etc.) utilized by two ring networks protection/spare channels/spans 816 and 866 between node A and D; also see FIG. 6 and 7; see col. 6, lines 51 to col. 7, lines 25. Also, in FIG. 9, when 864 W working channel/span fails, the traffic switches over to spared channel/span 866 S, and 866 S is actively transporting the traffic. When both 864 W and 866 S spans/channels fail, the traffic on 866 S is switched over to shared spared span/channel 860 S).

Regarding claim 14, Nathan'212 discloses) for selective switching a channel from an incoming protection span (see FIG. 9, a LT channel/signal/traffic over the spared channel/span/line 866 S) to an available channel of said shared protection span (see FIG. 9, one of the available channels over the shared spared channel/span/line 860. Note that when 864 W working channel/span fails, the traffic switches over to spared channel/span 866 S, and 866 S is actively transporting the traffic. When both 864 W and 866 S spans/channels fail, the traffic on spared 866 S is switched over to shared spared span/channel 860 S; see col. 7, lines 20 to col. 8, lines 45) responsive to control information (see col. 5, lines 30 to col. 6, lines 51; a failure indication transmitted by LT).

Regarding claim 16 and 17, Nathan'212 discloses said interface circuitry includes a channel multiplexer and demultiplexer (see FIG. 7, WDM 702, 708, 706, 714, and etc.; wave division multiplexer see col. 4, line 65 to col. 5, lines 6; see col. 6, lines 52-67; note that if there is multiplexer, there must also be demultiplexer).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathan (U.S. 5,870,212) in view of Elahmadi (U.S. 6,735,392).

Regarding claim 1, Nathan'212 discloses a communications network comprising (see FIG. 8, optical network):

a pair of network elements (see FIG. 8, Nodes A and D);

two or more working spans (see FIG. 8, two working channels/spans 858 W and 862 W; see col. 3, lines 45-49; note that "channel" or "span" refers to any type of optical link for transporting optical signal between two points) coupled between said pair of network elements for carrying communication traffic between said pair of network elements (see FIG. 8, working span 858 carries working traffic for optical ring/network 802 between node A and D, and working span 862 carries working traffic for optical ring/network 804 between node A and D),

each working span carrying said communication traffic over a plurality of channels associated with one or more rings (see FIG. 8, each working channel/span 858 or 862 carries an optical signal which consists of plurality channels from line termination equipments LTs (i.e. 806,808,846,848, 856, 854, etc.), also see FIG. 6 and 7; see col. 6, lines 51 to col. 7, lines 25);

a shared protection span (see FIG. 8, Spare channel/span 860 S) coupled between said network elements (see FIG. 8, Spare channel/span 860 connects Nodes A and D), said shared protection span providing a plurality of channels (see FIG. 8, a spare channel/span 860 also carries an optical signal which consists of plurality channels/wavelengths/signals from line termination equipments LTs (i.e. 806,808,846,848, 856, 854, etc.) when a failure occurs in the network(s), also see FIG. 6 and 7; see col. 6, lines 51 to col. 7, lines 25);

wherein said network elements include circuitry (see FIG. 9, OCCS CTRLR 850 or 840, optical cross-connect system controller; or FIG. 3, OCCS CTRLR 209) for concurrently switching communication traffic on rings associated with different working spans (see FIG. 9, optical ring/network 802, associated with working span/channel 858, and ring/network 804, associated with working span/channel 862, are different working spans/channels) to respective channels of said shared protection span (see FIG. 9, upon detection a failure between node A and B, the OCCS CTRLR switches the LT signal/traffic to the respective wavelengths/signals/channels of the standby span/channel. Note that OCCS CTRLR 850 switches LT signal to its respective signal/channel on the spare span/channel, and OCCS CTRLR 840 also

switches LT signal to its respective signal/channel on the spare span/channel; see col. 7, lines 25 to col. 8, lines 19).

Nathan'212 does not explicitly disclose respective channels of said span.

However, the above-mentioned claimed limitations are taught by Elahmadi'392. In particular, Elahmadi'392 teaches said shared protection span (see FIG. 7, a WDM shared protection fiber/signal 105) providing a plurality of channels (see FIG. 7, DWDM coupler 82 (see FIG. 4), DWDM coupler combines the various signals and combines them into a signal for amplifications; see col. 4, lines 51-67);

switching communication traffic on rings associated with different working spans (see FIG. Working fibers of rings 104 and 102) to respective channels (see FIG. 7, input signals of DWDM coupler 82) of said shared protection span (see col. 5, lines 25; note that the upon detecting a failure, a switching of traffic is performed from working fiber to the respective input signals of shared protection fiber).

Note that Nathan'212 discloses protection span/channel. Elahmadi'392 discloses the shared protection span/channel consists of plurality of input signals/channel. Thus, Nathan'212 shared protection span/channel can be modified to include plurality of input signals which are utilized for switching when the failure occurs. In view of this, having the system of Nathan'212 and then given the teaching of Elahmadi'392, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathan'212, by providing a shared protection fiber which couples to DWDM couplers with plurality of input signals which utilizes for switching, as taught by Elahmadi'392. The motivation to

combine is to obtain the advantages/benefits taught by Elahmadi'392 since Elahmadi'392 states at col. 4, line 65 to col. 5, lines 5 and see col. 2, lines 9-12 that such modification would provide an improved system for transmitting and restoring an optical signal to reduce the limitations and design complexities, and by multiplexing/combining inputs signals, it can be easily amplified for transmission.

Regarding claim 2, the combined system of Nathan'212 and Elahmadi'392 discloses all aspects of the claimed invention set forth in the rejection of Claim 1 as described above, and Nathan'212 further teaches wherein at least one of said working spans (see FIG. 8, working spans/lines/fibers 858 W, 862 W) carries traffic for multiple ring structure (see FIG. 8, optical networks/rings 802 and 804; note that since node A and node D interconnect two rings networks 802 and 804, each working span/lines/channel carries the traffic signals from both networks/rings for those signals which are added from one network/ring (i.e. LT 806 of ring 802) and dropped at another network/ring (i.e. LT 866 of ring 804); see col. 6, lines 50 to col. 7, lines 40). Elahmadi'392 also wherein at least one of said working spans (see FIG. 7, working fibers between node 110 and 106) carries traffic for multiple ring structure (see FIG. 7, rings 104 and 102; see col. 5, lines 49 to col. 6, lines 67).

In view of this, having the system of Nathan'212 and then given the teaching of Elahmadi'392, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathan'212, as taught by Elahmadi'392, for the same reason and motivation as stated above in claim 1.

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7. Claims 3-7 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathan'212 and Elahmadi'392, as applied to claim 1 above, and further in view of Lin (U.S. 6,785,438).

Regarding claim 3, the combined system of Nathan'212 and Elahmadi'392 discloses all aspects of the claimed invention set forth in the rejection of Claim 1 as described above, and Elahmadi'392 further teaches wherein said pair of network elements each includes an optical matrix (see FIG. 7, node 110 includes Optical cross connect switching fabric 78; see col. 4, lines 40-45).

Neither Nathan'212 nor Elahmadi'392 explicitly discloses non-blocking.

However, the above-mentioned claimed limitations are taught by Lin'438. In particular, Lin'438 teaches a non-blocking optical matrix (see FIG. 7, non-blocking switching core; see col. 7, line 39-60).

In view of this, having the combined system of Nathan'212 and Elahmadi'392, then given the teaching of Lin'438, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Nathan'212 and Elahmadi'392, by providing non-blocking optical switch core, as taught by Lin'438. The motivation to combine is to obtain the advantages/benefits taught by Lin'438 since Lin'438 states at col. 1, line 55-65 that such modification would significantly reduce the number of switches that are required to construct the switch core.

Regarding claim 4, the combined system of Nathan'212, Elahmadi'392 and Lin'438 discloses all aspects of the claimed invention set forth in the rejection of

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Claims 1 and 3 as described above, and Nathan'212 further teaches wherein each of said pair of network elements (see FIG. 8, Node A or Node D) is coupled to two or more incoming working spans (see FIG. 8, Node A is coupled to two incoming working spans/channels 814W and 864 W; node D is coupled to two incoming working spans/channels 832 W and 890 W) and two or more corresponding incoming protection spans (see FIG. 8, Node A is coupled to two incoming spare spans/channels 816 S and 866 S; node D is coupled to two incoming working spans/channels 830 S and 888 S).

Regarding claim 5, the combined system of Nathan'212, Elahmadi'392 and Lin'438 discloses all aspects of the claimed invention set forth in the rejection of Claims 1 and 3 as described above, and Nathan'212 further teaches wherein each of said pair of network elements includes control circuitry (see FIG. 9, OCCS CTRLR 850, see FIG. 3, OCCS CTRLR 209 which performs the switching) for switching a channel from each of said incoming protection spans (see FIG. 9, a LT channel/signal/traffic over the spared channel/span/line 866 S) to an available channel of said shared protection span (see FIG. 9, one of the available channels over the shared spared channel/span/line 860. Note that when 864 W working channel/span fails, the traffic switches over to spared channel/span 866 S, and 866 S is actively transporting the traffic. When both 864 W and 866 S spans/channels fail, the traffic on 866 S is switched over to shared spared span/channel 860 S; see col. 7, lines 20 to col. 8, lines 45).

Regarding claim 6, the combined system of Nathan'212, Elahmadi'392 and Lin'438 discloses all aspects of the claimed invention set forth in the rejection of Claims 1 and 3 as described above, and Nathan'212 further teaches wherein each of said pair of network elements includes control circuitry (see FIG. 9, OCCS CTRLR 850, see FIG. 3, OCCS CTRLR 209 which performs the switching) for switching a channel from each of said incoming working spans (see FIG. 9, a LT channel/signal/traffic over the spared channel/span/line 866 S) to said shared protection span (see FIG. 9, one of the available channels over the shared spared channel/span/line 860. Note that when 864 W working channel/span fails, the traffic switches over to spared channel/span 866 S, and 866 S is actively transporting the traffic. When both 864 W and 866 S spans/channels fail, the traffic on 866 S is switched over to shared spared span/channel 860 S. Thus, it is clear that OCCS CTRLR switches a LT channel/signal/traffic from working span/channel 864 W to shared spared span/channel 860 S; see col. 7, lines 20 to col. 8, lines 45).

Regarding claim 7, the combined system of Nathan'212, Elahmadi'392 and Lin'438 discloses all aspects of the claimed invention set forth in the rejection of Claims 1 and 3 as described above, and Nathan'212 further teaches wherein each of said pair of network elements includes control circuitry (see FIG. 9, OCCS CTRLR 850 and 840, see FIG. 3, OCCS CTRLR 209 which performs the switching) for switching a channel from said shared protection span (see FIG. 9, a LT channel/signal/traffic over the shared spared channel/span/line 860 S) to a channel on an outgoing protection span (see FIG. 9, the original channel over the spared

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channel/span/line 866. Note that when 864 W working channel/span fails, the traffic switches over to spared channel/span 866 S, and 866 S is actively transporting the traffic. When both 864 W and 866 S spans/channels fail, the traffic on 866 S is switched over to shared spared span/channel 860 S. Thus, OCCS CTRLR 840 switches the traffic/signal/channel from shared spared span/channel 860 S to an outgoing protection span/channel 888 S; see col. 7, lines 20 to col. 8, lines 45).

Regarding Claim 15, the claim, which has substantially disclosed all the limitations of the respective claim 3. Therefore, it is subjected to the same rejection.

8. Claims 8,9,11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathan (U.S. 5,870,212) in view of Fee (U.S. 6,735,39).

Regarding claim 8, Nathan'212 discloses a method of communication information in a communications network (see FIG. 8, optical network), comprising the steps of:

passing communications traffic between a pair of network elements (see FIG. 8, transmission of traffic/signals between Nodes A and D), where the pair of network elements are coupled by two or more working spans (see FIG. 8, two working channels/spans 858 W and 862 W; see col. 3, lines 45-49; note that "channel" or "span" refers to any type of optical link for transporting optical signal between two points)

each carrying communications traffic between the pair of network elements over a plurality of channels associated with one or more rings (see FIG. 8, working

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span 858 carries working traffic for optical ring/network 802 between node A and D, and working span 862 carries working traffic for optical ring/network 804 between node A and D) and

by a shared protection span (see FIG. 8, Spare channel/span 860 S) supporting a plurality of channels over which communication traffic may be passed (see FIG. 8, a spare channel/span 860 also carries an optical signal which consists of plurality channels/wavelengths/signals from line termination equipments LTs (i.e. 806,808,846,848, 856, 854, etc.) when a failure occurs in the network(s), also see FIG. 6 and 7; see col. 6, lines 51 to col. 7, lines 25);

in the event of failures in channels associated with a ring associated with different working spans (see FIG. 9, a failure of traffic/signs associated with the optical network/ring 804 occurs between Nodes A and B), concurrently transferring communication traffic associated with a rings (see FIG. 9, optical ring/network 802, associated with working span/channel 858, and ring/network 804, associated with working span 862, are different working spans/channels) over said shared protection span (see FIG. 9, upon detection a failure between node A and B, the OCCS CTRLR switches the LT signal/traffic to the respective wavelengths/signals/channels of the standby span/channel. Note that OCCS CTRLR 850 switches LT signal to its respective signal/channel on the spare span/channel, and OCCS CTRLR 840 also switches LT signal to its respective signal/channel on the spare span/channel; see col. 7, lines 25 to col. 8, lines 19).

Nathan'212 does not explicitly disclose failures in two or more rings.

However, the above-mentioned claimed limitations are taught by Fee'044. In particular, Fee'044 teaches in the event of failures in channels associated with two or more rings associated with different working spans (see FIG. 6, a first failure of LTE traffic/signals between OCCS B and D, and a second failure of LTE traffic/signals between OCCS B and C), concurrently transferring communication traffic associated with each of said two or more rings (see FIG. 6, first network consists of nodes A, B, C, and K, and the second network consists of nodes B, C, and D) over said shared protection path (see FIG. 6, an end-to-end spare path consists of 315 S, 506 S, 316 S, and 308S; see col. 6, line 51 to col. 7, lines 7; see col. 5, lines 50-67).

In view of this, having the system of Nathan'212 and then given the teaching of Fee'044, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathan'212, by detecting failures in two or more rings and transferring the traffic to an end-to-end spared path, as taught by Fee'044. The motivation to combine is to obtain the advantages/benefits taught by Fee'044 since Fee'044 states at col. 1, line 53 to col. 2, lines 55 that such modification would provide a network design that exhibits the simplicity and fast switching of ring network yet offers the spare efficiency and ease of growth characteristic.

Regarding claim 9, the combined system of Nathan'212 and Fee'044 discloses all aspects of the claimed invention set forth in the rejection of Claim 8 as described above, and Nathan'212 further teaches passing communication traffic

over two or more working spans (see FIG. 8, two working spans/lines/fibers 858 W, 862 W), where at least one of said working spans (see FIG. 8, working spans/lines/fibers 858 W or 862 W) carries traffic for multiple ring structures (see FIG. 8, optical networks/rings 802 and 804; note that since node A and node D interconnect two rings networks 802 and 804, each working span/lines/channel carries the traffic signals from both networks/rings for those signals which are added from one network/ring (i.e. LT 806 of ring 802) and dropped at another network/ring (i.e. LT 866 of ring 804); see col. 6, lines 50 to col. 7, lines 40).

In view of this, having the system of Nathan'212 and then given the teaching of Elahmadi'392, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathan'212, as taught by Elahmadi'392, for the same reason and motivation as stated above in claim 8.

Regarding claim 11, the combined system of Nathan'212 and Fee'044 discloses all aspects of the claimed invention set forth in the rejection of Claim 8 as described above, and Nathan'212 further teaches receiving communications traffic from a plurality of incoming protection spans (see FIG. 8, Node A is coupled to two incoming spare spans/channels 816 S and 866 S; node D is coupled to two incoming working spans/channels 830 S and 888 S; see col. 7, lines 25 to col. 8, lines 19; thus, each Node A or D is receiving the LT traffic/signals from incoming two spared spans/channels).

Regarding claim 12, the combined system of Nathan'212, Fee'044 all aspects of the claimed invention set forth in the rejection of Claim 8 and 11 as

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described above, and Nathan'212 further teaches transmitting communications traffic (see FIG. 9, OCCS CTRLR 850 and 840, see FIG. 3, OCCS CTRLR 209 which performs the switching) from said shared protection span (see FIG. 9, a LT channel/signal/traffic over the shared spared channel/span/line 860 S) to two or more outgoing protection spans (see FIG. 9, the original channel over the spared channel/span/line 888 S and 876 S. Note that when 864 W working channel/span fails, the traffic switches over to spared channel/span 866 S, and 866 S is actively transporting the traffic. When both 864 W and 866 S spans/channels fail, the traffic on 866 S is switched over to shared spared span/channel 860 S. Thus, OCCS CTRLR switches the traffic/signal/channel from shared spared span/channel 860 S to two outgoing protection span/channel 888 S and 876 S in order to reach the destination node B; see col. 7, lines 20 to col. 8, lines 45).

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nathan'212 and Fee'044, as applied to claim 8 above, and further in view of Lin (U.S. 6,785,438).

Regarding claim 10, the combined system of Nathan'212 and Fee'044 discloses all aspects of the claimed invention set forth in the rejection of Claim 8 as described above.

Neither Nathan'212 nor Fee'044 explicitly discloses non-blocking.

However, the above-mentioned claimed limitations are taught by Lin'438. In particular, Lin'438 teaches transferring communication traffic through a non-blocking

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optical matrix (see FIG. 7, transferring traffic via non-blocking switching core; see col. 7, line 39-60).

In view of this, having the combined system of Nathan'212 and Fee'044, then given the teaching of Lin'438, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combined system of Nathan'212 and Fee'044, by providing non-blocking optical switch core, as taught by Lin'438. The motivation to combine is to obtain the advantages/benefits taught by Lin'438 since Lin'438 states at col. 1, line 55-65 that such modification would significantly reduce the number of switches that are required to construct the switch core.

10. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nathan'212 in view of Graves (U.S. 6,606,427).

Regarding claim 18, Nathan'212 discloses said interface circuitry includes a channel multiplexer and demultiplexer as described above in claims 16 and 17.

Nathan'212 does not explicitly disclose input/output shelves coupled to said demultiplexer and said multiplexer.

However, the above-mentioned claimed limitations are taught by Graves'427. In particular, Graves'427 teaches wherein said interface circuitry includes input/output shelves (see FIG. 3, plurality of input ports IP 12 and output ports OP 24 are interface circuitry which are in the shelves; see col. 30?, lines 46-60; see FIG. 16a-b) coupled to said demultiplexer and said multiplexer (see FIG. 3, WD multiplexor 20 and demultiplexor 16; see col. 13, line 60 to col. 14, lines 31).

In view of this, having the system of Nathan'212 and then given the teaching of Graves'427, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Nathan'212, by input and output shelves that connects to WDM multiplexor 20 and demultiplexor 16 as taught by Graves'427. The motivation to combine is to obtain the advantages/benefits taught by Graves'427 since Graves'427 states at col. 3, line 19-67 that such modification would provide cost advantage by optically switching instead of electrically switching, and advantage in design that majority of wavelength channels can be routed end-to-end without the use of transponders.

Response to Arguments

11. Applicant's arguments filed 1-18 have been fully considered but they are not persuasive.

Regarding claims 1-18, the applicant argued that, "...Nathan does not discloses...wherein said network elements include circuitry for concurrently switching communication traffic on rings (or two or more rings) associated with different working spans to respective channels of said shared protection span..." in page 6, paragraph 3; page 7, paragraph 1-3; page 8, paragraph 2-3.

In response to applicant's argument, the examiner respectfully disagrees that Nathan does not disclose the above argued limitations.

Nathan discloses wherein said network elements include circuitry (**see FIG. 9, OCCS CTRLR 850 or 840, optical cross-connect system controller; or FIG. 3,**

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OCCS CTRLR 209) for concurrently switching communication traffic on rings associated with different working spans (see FIG. 9, optical ring/network 802, associated with working span/channel 858, and ring/network 804, associated with working span/channel 862, are different working spans/channels) to respective channels of said shared protection span (see FIG. 9, upon detection a failure between node A and B, the OCCS CTRLR switches the LT signal/traffic to the respective wavelengths/signals/channels of the standby span/channel. Note that OCCS CTRLR 850 switches LT signal to its respective signal/channel on the spare span/channel, and OCCS CTRLR 840 also switches LT signal to its respective signal/channel on the spare span/channel; see col. 7, lines 25 to col. 8, lines 19).

As clearly shown in FIG. 8, the channel/span 860 S is being shared by working span/channel 858 from the first ring network 802 and the working span/channel 862 from the second ring network 804. Thus, examiner clearly asserts "a shared protection span" as "Spare channel/span 860 S". Moreover, since Spare channel/span 860 S is **common and shared** by both rings, the CTRLR concurrently switches communication traffic on rings 802, 804 associated with different working spans/channels 858, 862 to respective optical channels of a Spare channel/span 860 S.

Regarding claims 1-18, the applicant argued that, "...Elahmadi reference teaches away from the present invention....Rings 102 and 104 cannot use their

protect channels at the same time..." in page 7, paragraph 1; page 8, paragraph 2; page 9, paragraph 1; page 10, paragraph 1.

Regarding claims 1-18, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **rings can use their protect channels at the same time**) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Thus, Elahmadi cannot possibly teach away the present invention since the argued invention is not being claimed.

Moreover, Elahmadi discloses said shared protection span (**see FIG. 7, a WDM shared protection fiber/signal 105**) providing a plurality of channels (**see FIG. 7, DWDM coupler 82 (see FIG. 4), DWDM coupler combines the various signals and combines them into a signal for amplifications; see col. 4, lines 51-67**);

switching communication traffic on rings associated with different working spans (**see FIG. 7, Working fibers of rings 104 and 102**) to respective channels (**see FIG. 7, input signals of DWDM coupler 82**) of said shared protection span (**see col. 5, lines 25; note that the upon detecting a failure, a switching of traffic is performed from working fiber to the respective input signals of shared protection fiber**).

In addition, Elahmadi is used for missing feature "respective channels of said span" from Nathan (in claim 1), not for the limitations that the applicant is arguing above.

Regarding claims 1-18, the applicant argued that "...the office action states that Fee teaches.... detecting failures in two or more rings and transferring the traffic to an end to end spared path...however it provides no citation...Fee reference nowhere discloses a shared protection path or concurrently transferring communication traffic associated with each of two or more rings over a shared protection span..." in page 9, paragraph 2.

In response to applicant's argument, "detecting failures in two or more rings and transferring the traffic to an end to end spared path" in office action page 12, paragraph 3 is the summary of what is cited in above paragraph 2 of the office action. As clearly cited in page 12, paragraph 2, Fee clearly discloses the specific following limitation, which are analogous to the summary.

Fee teaches in the event of failures in channels associated with two or more rings associated with different working spans **(see FIG. 6, a first failure of LTE traffic/signals between OCCS B and D, and a second failure of LTE traffic/signals between OCCS B and C)**, concurrently transferring communication traffic associated with each of said two or more rings **(see FIG. 6, first network consists of nodes A, B, C, and K, and the second network consists of nodes B, C, and D)** over said shared protection path **(see FIG. 6, an end-to-end spare path**

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consists of 315 S, 506 S, 316 S, and 308S; see col. 6, line 51 to col. 7, lines 7; see col. 5, lines 50-67).

Moreover, Nathan also discloses the argued limitation as recited in above responses. Thus, the combined system of Nathan and Fee discloses the applicant claimed limitation since one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In view of the above, **the examiner respectfully disagrees** with applicant's argument and believes that the references as set forth in the 102 and 103 rejections are proper.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N Moore whose telephone number is 571-272-3085. The examiner can normally be reached on M-F: 9:00 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

INM

JNM
4/15/05

Bob A. Phunkulh
BOB PHUNKULH
PRIMARY EXAMINER

4/25/05